

REMARKS

Foreign Priority:

Applicant thanks the Examiner for acknowledging the claim to foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority document has been received.

Drawings:

Applicant thanks the Examiner for indicating that the drawings filed on October 20, 2003 have been accepted.

Allowed Claims:

Applicant thanks the Examiner for indicating that claims 6, 12 and 18 have been allowed.

Claim Rejections:

Claims 1-19 are all of the claims pending in the present application, and currently claims 1-5, 7-11, 13-17 and 19 stand rejected.

35 U.S.C. § 112, 2nd Paragraph Rejection - Claims 1-4, 7-10, and 13-16:

Claims 1-4, 7-10, and 13-16 are rejected under 35 U.S.C. § 112, 2nd paragraph as being indefinite. In view of the following discussion, Applicant respectfully traverses the above rejection.

First, in rejecting the claims, the Examiner is alleging that the language “next winding length” (claim 1) and “next plurality of winding lengths” (claim 2) are confusing. Although Applicant believes this language is clear (namely, the “next” winding length simply refers to the next winding length), Applicant has amended the claims as shown in the previous section.

Applicant submits that the amendments adequately address the Examiner's concerns, and that the amendments are intended to clarify the claimed invention.

With regard to the Examiner's allegation that the language of claim 1 is "inconsistent or inaccurate", Applicant disagrees. In making this statement, the Examiner appears to be stating that claim 1 requires the device to wind the tape containing the defect, and not discard the defect portion of the tape. Applicant disagrees with the Examiner's reading of the claim language.

Specifically, Applicant notes that (1) the cutting control unit cuts the tape after the set winding length is achieved, and then (2) the winding length deciding unit determines the next winding length (to be wound after the cutting) based on whether there was a defect found in the previous winding length. Thus, there is no inconsistency within the claims.

Accordingly, Applicant submits that the claims are clear to a skilled artisan, and hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of the claims.

35 U.S.C. § 103(a) Rejection - Claims 1-5, 7-11, and 19

Claims 1-5, 7-11, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Odaka (U.S. Patent No. 4,894,733) in view of Pugh (U.S. Patent No. 3,569,683). In view of the following discussion, Applicant respectfully traverses the above rejection.

In continuing to reject the claims, the Examiner again acknowledges that Odaka fails to disclose the claimed winding length deciding unit. However, for this teaching the Examiner relies on Pugh, and alleges that Pugh sufficiently discloses this feature, and that it would have been obvious to combine Pugh with Odaka.

Namely, the Examiner argues that (1) the claimed winding length deciding unit does not “detect” defects in the tape and (2) that Pugh “does determine whether a defect would occur in a piece of material of a given length and, if it would, selects a smaller length to be cut.” See page 5 of the Office Action. Applicant continues to disagree with the Examiner.

First, Applicant disagrees with the Examiner’s characterization of the Applicants’ presented arguments and the claim language. Specifically, Applicant agrees that the claimed winding length deciding unit does not detect the defects, but it does decide a winding length based on the defect data read from the winding length deciding unit. Further, the claimed winding length determining unit determines one winding length if no defect is within the chosen winding length, and a second, shorter, winding length if a defect is determined to be within the first winding length.

Thus, Applicant does not agree with the Examiner’s characterization of the claims or the arguments, and continues to believe that the claimed invention is distinguished over the cited prior art based on the above discussed feature.

As previously discussed by the Applicant, there is no disclosure in Pugh, which indicates that a winding length deciding unit makes any determinations regarding the presence or absence of a defect in a set winding length. Namely, in Pugh, a defect is manually input in the device, and the Pugh device simply determines the optimal number of pieces to be cut so as to not include the defect.

This is different from the present invention, where a defect may or may not be present in the winding length to be wound, and the winding length deciding unit makes that determination to determine which winding length is to be wound.

However, in Pugh, a user enters the position and distance of defects in a computer, which determines an optimum way and method of cutting the material (i.e. fabric), so as to satisfy the required cut-length requirements (i.e. based on inventory needs). However, to accomplish this, Pugh requires the operator to enter the position and length of each defect and the required cut lengths or styles to be cut.

Thus, Pugh is directed to cutting a length of fabric (before a defect) into an optimal number of pieces, as opposed to the longest possible length, as is the present invention.

As previously argued, there appears to be no disclosure or teaching of the computer making a determination of the presence or absence of a defect in a set winding distance, as the determination is made by the user. For example, there is no winding length deciding unit which analyzes stored data to determine if a defect exists in a length of 500m. In Pugh, the defect is simply entered at a distance (which can be different every time) and the Pugh device determines the optimal number of pieces to be cut from that distance.

Thus, Applicant submits that the above references fail to teach or suggest the claimed invention.

Additionally, and perhaps more importantly, there is no disclosure or teaching of the computer determining a shorter winding length if a defect is detected in the first winding length. Stated differently, the Pugh device makes no determination or analysis of the presence of a

defect in a set distance (for example 500 m) and then if a defect is detected, reducing the next winding length to a shorter length (i.e. 400 m) such that the defect is not included in the shorter winding length.

As indicated above, the positioning of the defects and the lengths to be cut are predetermined, such that the Pugh computer does not determine a shorter winding length which would not include the defect.

It is for at least this reason that Applicant submits that the Examiner's argument continues to fail.

Secondly, regardless of the Examiner's additional assertions, Applicant continues to feel that it would not have been obvious to a skilled artisan to combine the teachings of Odaka and Pugh, as suggested by the Examiner.

The Examiner argues that Pugh and Odaka are not directed to opposite results because they "take material from a supply, locate defects, cut the material to obtain non-defective pieces to be used, and discard defective portions." Applicant submits that this is an over-simplified approach to these references.

Namely, the Pugh device is directed to cutting a roll of material (i.e. fabric) into a number of short lengths (i.e. for drapes) in such a way as to optimize the number of usable pieces of material based on a requirement, such as inventory demand. However, Odaka is directed to the opposite result, where the desire is to produce a single magnetic tape having the maximum length possible. The goal of Odaka is not to achieve the maximum number of small pieces of magnetic tape, but to achieve a maximum single length of tape.

Because of at least these differences in the cited references, a skilled artisan would not have combined the references, as suggested by the Examiner.

Additionally and independently, with regard to claim 5, the Examiner argues that “no other ratio” than simply a ratio of usable to unusable tape is found in the claim. Applicant continues to disagree with this over-simplification.

Applicant agrees that, in it’s most simplest terms, the claimed ratio is a ratio of usable to unusable tape. However, the claim indicates that the usable tape is determined based on the winding lengths calculated by the calculating unit, which are input by the input unit and are winding lengths scheduled to be produced in a production plan for a current day.

Thus, the prior art fails to capture the entirety of this claim limitation. Namely, the ratio computing unit calculates a ratio based on the various winding lengths used, as opposed to simply usable v. unusable tape.

Applicant submits that a ratio based on the used winding lengths (which can be, for example, 500 m, 400 m, 300 m, etc.) would be different from a ratio that simply looks at usable v. unusable tape. Because of this, the Examiner’s allegation of obviousness goes too far.

In view of the foregoing, Applicant submits that it would not have been obvious to combine the teachings of the above cited references, as suggested by the Examiner. Further, even if the above references were combined, they would fail to teach or suggest each and every feature of the claimed invention. Therefore, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness as required under 35 U.S.C. § 103(a). Accordingly,

Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of the claims.

35 U.S.C. § 103(a) Rejection - Claims 1-5, 13-17, and 19

Claims 1-5, 13-17, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Karaki et al. (U.S. Patent No. 6,317,951) in view of Pugh. In view of the following discussion, Applicant respectfully traverses the above rejection.

As an initial matter, Applicant notes that the Examiner is using the Pugh reference in the same fashion, and for the same purposes, as discussed previously. Therefore, the same arguments continue to apply.

Specifically, Pugh fails to teach or suggest the winding length deciding unit of claim 1, and it would not have been obvious to combine these references, for similar reasons to those discussed above.

In view of the foregoing, Applicant submits that it would not have been obvious to combine the teachings of the above cited references, as suggested by the Examiner. Further, even if the above references were combined, they would fail to teach or suggest each and every feature of the claimed invention. Therefore, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness as required under 35 U.S.C. § 103(a). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of the claims.

AMENDMENT UNDER 37 C.F.R. §1.116
Application Number: 10/687,609

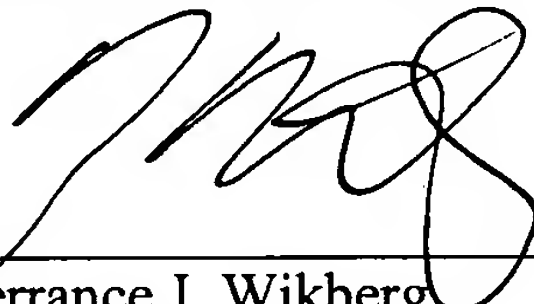
Our Ref: Q77989
Art Unit: 3654

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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